

ENDORSED  
FILED  
ALAMEDA COUNTY

MAY 18 2016

CLERK OF THE SUPERIOR COURT

By Xian-Xii Bowie

Stacey P. Geis (State Bar No. 181444)  
Tamara T. Zakim (State Bar No. 288912)  
EARTHJUSTICE  
50 California Street, Ste. 500  
San Francisco, CA 94111  
Tel: (415) 217-2000  
Fax: (415) 217-2040

*Attorneys for Plaintiffs/Petitioners  
Center for Biological Diversity and Sierra Club*

Hollin N. Kretzmann (State Bar No. 290054)  
CENTER FOR BIOLOGICAL DIVERSITY  
1212 Broadway, Ste. 800  
Oakland, CA 94612  
Tel: (510) 844-7133  
Fax: (510) 844-7150

*Attorney for Plaintiff/Petitioner  
Center for Biological Diversity*

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA

CENTER FOR BIOLOGICAL DIVERSITY  
AND SIERRA CLUB,

Plaintiffs/Petitioners,

v.

CALIFORNIA DEPARTMENT OF  
CONSERVATION, DIVISION OF OIL, GAS,  
AND GEOTHERMAL RESOURCES, et al.,

Defendants/Respondents,

AERA ENERGY LLC, et al.,

Respondents-in-Intervention, and

WESTERN STATES PETROLEUM  
ASSOCIATION, et al.,

Respondents-in-Intervention.

Case No. RG15769302

ASSIGNED FOR ALL PURPOSES TO  
JUDGE GEORGE C. HERNANDEZ, JR.  
DEPARTMENT 17

**DECLARATION OF HOLLIN  
KRETZMANN IN SUPPORT OF  
PLAINTIFFS' OPENING BRIEF**

Date: July 15, 2016  
Time: 8:30 a.m.  
Dept: 17

Action Filed: May 7, 2015  
Hearing Date: July 15, 2016

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I, Hollin Kretzmann, declare:

1. I am a staff attorney employed by the Center for Biological Diversity and act as counsel for the organization in this action. I am admitted to practice law in California. I make this statement based on my own personal knowledge and, if called upon to testify, could and would testify competently.

2. Exhibit A attached hereto is a true and correct copy of the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources' ("DOGGR") Notice of Proposed Rulemaking Action re the Permanent Regulations, dated May 29, 2015, available on DOGGR's website at <ftp://ftp.consrv.ca.gov/pub/oil/UIC%20Files/UIC%20Regulations/%20Permanent%20Rulemaking%20-%20NOPA.pdf> (last accessed May 13, 2016). Under Section 18000 and 18001, a true and correct copy of this document was attached to this Declaration as Exhibit A.

3. Exhibit B attached hereto is a true and correct copy of DOGGR's undated Proposed Regulations for the Aquifer Exemption Compliance Schedule Permanent Regulations, available at <ftp://ftp.consrv.ca.gov/pub/oil/UIC%20Files/UIC%20Regulations/%20Permanent%20Rulemaking%20-%20Text%20of%20Regulations.pdf> (last accessed March 1, 2016). Under my direction and control, a true and correct copy of this document was provided to this Declaration as Exhibit B.

4. Exhibit C attached hereto is a true and correct copy of DOGGR's Initial Statement of Intent for the Aquifer Exemption Compliance Schedule Permanent Regulations, dated May 13, 2015, available at <ftp://ftp.consrv.ca.gov/pub/oil/UIC%20Files/UIC%20Regulations/InitialStatementofIntentfortheAquiferExemptionComplianceSchedulePermanent%20Rulemaking%20-%20ISOR.pdf> (last accessed May 13, 2016). Under Section 15064.5, a true and correct copy of this document was attached to this Declaration of Preparation of Initial Study for the Proposed Project, Exhibit C.

5. Exhibit D attached hereto is a true and correct copy of DOGGR's Notice of Request for Adoption of Rulemaking Action for the Emergency Regulations, dated Oct. 1, 2015, available at [http://www.conservation.ca.gov/dog/general\\_information/Documents/](http://www.conservation.ca.gov/dog/general_information/Documents/)

1 [Notice%20Readoption%20Final.pdf](#) (last accessed May 13, 2016). Under my direction and  
2 control, a true and correct copy of this document was attached to this Declaration as Exhibit D.

3 6. Exhibit E attached hereto is a true and correct copy of DOGGR's Notice of Request  
4 for Readoption of Emergency Rulemaking Action, dated Jan. 7, 2016, available at  
5 [http://www.conservation.ca.gov/dog/general\\_information/Documents/Emergency%20Readoption%20Notice\\_1.7.2016.pdf](http://www.conservation.ca.gov/dog/general_information/Documents/Emergency%20Readoption%20Notice_1.7.2016.pdf) (last accessed May 13, 2016). Under my direction and control, a true  
7 and correct copy of this document was attached to this Declaration as Exhibit E.

8 7. Exhibit F attached hereto is a true and correct copy of Office of Administrative  
9 Law's Approval of Permanent Regulations, dated April 20, 2016, available at  
10 <http://www.conservation.ca.gov/index/Documents/Aquifer%20Exemption%20April%202016%20OAL%20approval.pdf> (last accessed May 13, 2016). Under my direction and  
12 control, a true and correct copy of this document was attached to this Declaration as Exhibit F.

13 8. Exhibit G attached hereto is a true and correct copy of DOGGR's Final Text of  
14 Permanent Aquifer Exemption Compliance Schedule Regulations, available at  
15 [http://www.conservation.ca.gov/dog/general\\_information/Documents/Final%20Text%20of%20Regulations%20-%204-20-16.pdf](http://www.conservation.ca.gov/dog/general_information/Documents/Final%20Text%20of%20Regulations%20-%204-20-16.pdf) (last accessed May 13, 2016). Under my direction and control,  
17 a true and correct copy of this document was attached to this Declaration as Exhibit G.

18 9. Exhibit H attached hereto is a true and correct copy of DOGGR's Final Statement  
19 of Reasons for Aquifer Exemption Compliance Schedule Permanent Regulations, dated April 20,  
20 2016, available at [http://www.conservation.ca.gov/dog/general\\_information/](http://www.conservation.ca.gov/dog/general_information/Documents/Final%20Statement%20of%20Reasons%20-%20AE%20sched%20regs.pdf)  
21 [Documents/Final%20Statement%20of%20Reasons%20-%20AE%20sched%20regs.pdf](#) (last  
22 accessed May 13, 2016). Under my direction and control, a true and correct copy of this document  
23 was attached to this Declaration as Exhibit H.

24 10. Exhibit I attached hereto is a true and correct copy of DOGGR's Response to  
25 Comments re Permanent Aquifer Exemption Compliance Schedule Regulations, available at  
26 [http://www.conservation.ca.gov/dog/general\\_information/Documents/Comment%20Response%](http://www.conservation.ca.gov/dog/general_information/Documents/Comment%20Response%20-%204-20-16.pdf)  
27 [20-%204-20-16.pdf](#) (last accessed May 13, 2016). Under my direction and control, a true and  
28 correct copy of this document was attached to this Declaration as Exhibit I.

1           11.     Exhibit J attached hereto is a true and correct copy of a webpage on DOGGR's  
2 official website entitled Aquifer Exemption Information, available at  
3 [http://www.conservation.ca.gov/dog/Pages/Aquifer\\_Exemptions.aspx](http://www.conservation.ca.gov/dog/Pages/Aquifer_Exemptions.aspx). (last accessed May 17,  
4 2016.) Under my direction and control, a true and correct copy of this document as it appeared on  
5 May 17, 2016 was attached to this Declaration as Exhibit J.

6           I declare under penalty of perjury under the laws of the State of California that the  
7 foregoing is true and correct.

8  
9 DATED: May 18, 2016

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12 HOLLIN N. KRETZMANN  
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